



Commonwealth of Massachusetts State Ethics Commission

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SUFFOLK, ss.

**COMMISSION ADJUDICATORY
DOCKET NO. 602**

IN THE MATTER OF RONALD J. D'ARCANGELO

DISPOSITION AGREEMENT

The State Ethics Commission ("Commission") and Ronald J. D'Arcangelo ("D'Arcangelo") enter into this Disposition Agreement pursuant to §5 of the Commission's Enforcement Procedures. This Agreement constitutes a consented to final order enforceable in the Superior Court pursuant to G.L. c. 268B, §4(j). On January 19, 2000, the Commission initiated, pursuant to G.L. c. 268B, §4(a), a preliminary inquiry into possible violations of the conflict of interest law by D'Arcangelo. The Commission concluded that inquiry, and on February 23, 2000, found reasonable cause to believe that D'Arcangelo violated G.L. c. 268A, §23(b)(2).

The Commission and D'Arcangelo now agree to the following findings of fact and conclusions of law:

1. From 1994 until 1999, D'Arcangelo served as the Newburyport District Court chief of probation.^{1/2/} As such, he was a state employee within the meaning of G.L. c. 268A, §1 of the conflict of interest law.
2. When a driver is cited for a motor vehicle violation in Newburyport, the driver may pay the ticket or request a hearing in the Newburyport District Court.
3. Newburyport District Court Clerk Magistrate J. Nicholas Sullivan ("Sullivan") presides over such disputed civil motor vehicle citation hearings.^{3/}
4. D'Arcangelo and Sullivan know each other through their official positions as court employees and are friendly.
5. Between 1993 and 1998, D'Arcangelo wrote nine requests to Sullivan for "consideration"^{4/} on post-it notes he attached to the court's copies of the motor vehicle citation documents before the file went to Sullivan for a magistrate's hearing.
6. On each such occasion where D'Arcangelo requested consideration, the motorist involved was either a relative or a friend of D'Arcangelo's.
7. On each of the nine occasions indicated above, Sullivan observed D'Arcangelo's notes when the citations came before him for disposition. Sullivan subsequently issued nine findings of "not responsible."^{5/}

8. Each citation had potential penalties between \$35 and \$100.

9. Section 23(b)(2) of G.L. c. 268A prohibits a state employee from knowingly or with reason to know using or attempting to use his position to obtain for himself or others an unwarranted privilege of substantial value which is not properly available to similarly situated individuals.

10. D'Arcangelo requested "consideration" from fellow court employee Sullivan on motor vehicle citations involving D'Arcangelo's family and friends. But for his position as a court officer, D'Arcangelo would not have had access to these such court files and Sullivan. Therefore, D'Arcangelo knew or had reason to know that he was using his official position to request such consideration.

11. D'Arcangelo's consideration requests were for resolutions not based on the merits but rather on his family or friendship relationships with the motorists. Therefore, D'Arcangelo was attempting to use his official position to obtain an unwarranted privilege.

12. The potential penalties associated with the traffic citations described above were between \$35 and \$100. An adverse finding would cause the motorists to incur accompanying insurance premium surcharges. Therefore, the privilege of avoiding such costs was of substantial value.^{6/}

13. The privilege of a dismissal based on "consideration" was not properly available to similarly situated individuals facing similar penalties.

14. Thus, by using his official position as the Newburyport District Court chief of probation in an attempt to secure for his family and friends the unwarranted privilege of favorable dispositions of their motor vehicle citations based on "consideration," D'Arcangelo violated G.L. c. 268A, §23(b)(2).

In view of the foregoing violations of G.L. c. 268A, the Commission has determined that the public interest would be served by the disposition of this matter without further enforcement proceedings, on the basis of the following terms and conditions agreed to by D'Arcangelo:

(1) that D'Arcangelo pay to the Commission the sum of three thousand (\$3,000.00) as a civil penalty for the violation of G.L. c. 268A, §23(b)(2); and

(2) that D'Arcangelo waive all rights to contest the findings of fact, conclusions of law and terms and conditions contained in this Agreement in this or any other related administrative or judicial proceeding to which the Commission is or may be a party.

DATE: February 29, 2000

^{1/}On January 29, 1999, Chief Justice of the District Court Department Samuel E. Zoll put D'Arcangelo on administrative leave because of the allegations that are addressed in this Disposition Agreement.

^{2/}As the Newburyport District Court chief of probation, D'Arcangelo was responsible for overseeing all probation matters under Newbury District Court's jurisdiction.

^{3/}Sullivan has been the clerk magistrate since 1981.

^{4/}By asking for "consideration," it is clear that D'Arcangelo was seeking that the case receive preferential treatment rather than be judged on its merits.

^{5/}"Not responsible" is the statutory terminology for acquittal in such cases.

^{5/} See *Commonwealth v. Famigletti*, 4 Mass. App. 584 (1976).